

Judy

Thompson

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Roll Call 269: yeas 82, nays 0. The bill was declared passed.

passage. The question was, Shall the bill pass?

Twenty-Fifth Day **Thursday Morning** February 24, 2022 The invocation was offered by Doctor Doug Cassel of Bethel Torr Baptist Church in Linton, a guest of Representative Borders. VanNatter Zent Vermilion □ Ziemke The House convened at 10:00 a.m. with Speaker Todd M. Wesco Mr. Speaker Huston in the Chair. The Pledge of Allegiance to the Flag was led by Roll Call 266: 75 present; 25 excused. The Speaker Representative Carbaugh. announced a quorum in attendance. [NOTE: □ indicates those who were excused.] The Speaker ordered the roll of the House to be called: Abbott Karickhoff HOUSE MOTION Andrade King Mr. Speaker: I move that when we do adjourn, we adjourn Austin Klinker until Monday, February 28, 2022, at 10:00 a.m. Aylesworth Lauer LEHMAN Baird □ Ledbetter The motion was adopted by a constitutional majority. Barrett Lehe Bartels □ Lehman Representative Morris, who had been excused, is now Bartlett Leonard present. Bauer, M Lindauer **Behning** Lucas ENGROSSED SENATE BILLS Borders Lyness ON THIRD READING Boy Manning Brown, T. May **Engrossed Senate Bill 381** Campbell □ Mayfield □ Representative Frye called down Engrossed Senate Bill 381 Carbaugh McNamara □ for third reading: Miller □ Cherry A BILL FOR AN ACT to amend the Indiana Code Clere Moed □ concerning public safety. Cook □ Morris □ The bill was read a third time by sections and placed upon its Davis Morrison □ passage. The question was, Shall the bill pass? Davisson □ Moseley Roll Call 267: yeas 75, nays 0. The bill was declared passed. DeVon Negele The question was, Shall the title of the bill remain the title of the **DeLaney** Nisly act? There being no objection, it was so ordered. The Clerk was Dvorak O'Brien directed to inform the Senate of the passage of the bill. **Eberhart** Olthoff Ellington Pack Representatives Campbell, Davisson, Hostettler, Jeter, Moed, Engleman Payne □ Payne and Teshka, who had been excused, are now back. Pfaff Errington Pierce Fleming **Engrossed Senate Bill 365** Porter Frye Representative Ziemke called down Engrossed Senate Bill GiaQuinta Prescott 365 for third reading: Goodrich □ Pressel A BILL FOR AN ACT to amend the Indiana Code Gore Pryor concerning professions and occupations. Gutwein Rowray The bill was read a third time by sections and placed upon its Saunders Hamilton passage. The question was, Shall the bill pass? Harris Schaibley Shackleford □ Roll Call 268: yeas 81, nays 1. The bill was declared passed. Hatcher The question was, Shall the title of the bill remain the title of the Hatfield □ Slager act? There being no objection, it was so ordered. The Clerk was Heaton Smaltz □ directed to inform the Senate of the passage of the bill. Heine Smith, V. Hostettler □ Snow **Engrossed Senate Bill 290** Jackson Soliday □ Representative Behning called down Engrossed Senate Bill Jacob Speedy 290 for third reading: Jeter □ Steuerwald A BILL FOR AN ACT to amend the Indiana Code Johnson Summers concerning education. Jordan Teshka □

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The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives Lucas and Young, who had been excused, are now present.

Engrossed Senate Bill 246

Representative Lehman called down Engrossed Senate Bill 246 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles and to make an appropriation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 270: yeas 84, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives Hatfield and Vermilion, who had been excused, are now present.

Representative Summers, who had been present, is now excused.

Engrossed Senate Bill 239

Representative Zent called down Engrossed Senate Bill 239 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 271: yeas 84, nays 1. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives Cook and McNamara, who had been excused, are now present.

Engrossed Senate Bill 9

Representative Torr called down Engrossed Senate Bill 9 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 272: yeas 85, nays 2. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives Mayfield who had been excused, is now present.

Engrossed Senate Bill 251

Representative Vermilion called down Engrossed Senate Bill 251 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 273: yeas 88, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

Representatives Summers, who had been excused, is now present.

Engrossed Senate Bill 5

Representative Vermilion called down Engrossed Senate Bill 5 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 274: yeas 89, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

MOTIONS TO CONCUR IN SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House concur in the Senate amendments to Engrossed House Bill 1003.

MANNING

Roll Call 275: yeas 88, nays 2. Motion prevailed.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 11:53 a.m. with the Speaker in the Chair.

Upon request of Representative Torr, the Speaker ordered the roll of the House to be called to determine the presence or absence of a quorum. Roll Call 276: 68 present. The Speaker declared a quorum present.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1094 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

TESHKA

Motion prevailed.

CONFEREES AND ADVISORS APPOINTED

The Speaker announced the appointment of Representatives to conference committees on the following Engrossed Senate Rills:

ESB 80 Conferees: Representatives Young and Hatfield Advisors: Representatives Steuerwald, Torr and Boy

ESB 410 Conferees: Representatives Pressel and M. Bauer Advisors: Representatives Jordan, Young, Hatfield and V. Smith

ENGROSSED SENATE BILLS ON SECOND READING

Engrossed Senate Bill 82

Representative Behning called down Engrossed Senate Bill 82 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 82–2)

Mr. Speaker: I move that Engrossed Senate Bill 82 be amended to read as follows:

Page 1, delete lines 1 through 16, begin a new paragraph and insert:

"SECTION 1. IC 20-26-5-39, AS ADDED BY

P.L.287-2019, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 39. (a) Beginning in the 2020-2021 **2022-2023** school year, each school corporation **and charter high school** shall provide:

(1) each student; and

(2) a parent of each student;

of a school corporation **or a charter high school** who is in grade 12 with a notice regarding the information described in IC 21-18-6-6(b).

(b) Each school corporation **and charter high school** may develop its own notice or **shall** use the model notice prepared by the commission for higher education under IC 21-18-6-6.

(c) A nonpublic high school may provide:

(1) a student; or

(2) the parent of a student;

of a nonpublic school who is in grade 12 with a notice regarding the information described in IC 21-18-6-6(b).".

Page 2, run in lines 2 through 3.

Page 2, line 15, delete "eligible school for the school" and insert "school corporation and charter high school for the school corporation or charter high school".

Page 2, between lines 19 and 20, begin a new line block indented and insert:

"(3) Upon request from a nonpublic school, provide the information described in subdivision (2)."

(Reference is to ESB 82 as printed February 21, 2022.)

BEHNING

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 83

Representative Behning called down Engrossed Senate Bill 83 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 83–1)

Mr. Speaker: I move that Engrossed Senate Bill 83 be amended to read as follows:

Page 1, delete lines 1 through 4, begin a new paragraph and insert:

"SECTION 1. IC 5-14-1.5-3.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: **Sec. 3.2.** (a) This section applies only to the governing body (or the equivalent for a charter school) of a:

(1) school corporation; and

(2) charter school, including a virtual charter school.".

(Reference is to ESB 83 as printed February 22, 2022.) DELANEY

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 148

Representative Steuerwald called down Engrossed Senate Bill 148 for second reading. The bill was re-read a second time by title.

HOUSE MOTION (Amendment 148–1)

Mr. Speaker: I move that Engrossed Senate Bill 148 be amended to read as follows:

Page 4, delete lines 29 through 42.

Page 5, delete lines 1 through 14.

Renumber all SECTIONS consecutively.

(Reference is to ESB 148 as printed February 17, 2022.)

STEUERWALD

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 185

Representative Carbaugh called down Engrossed Senate Bill 185 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Karickhoff.

Engrossed Senate Bill 186

Representative Eberhart called down Engrossed Senate Bill 186 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 186-4)

Mr. Speaker: I move that Engrossed Senate Bill 186 be amended to read as follows:

Page 19, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 26. IC 14-22-12-16 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 16. (a) Before December 1, 2022, the division shall meet to discuss with representatives of fishing organizations, hunting organizations, trapping organizations, conservation organizations, and license holders, concerning:

(1) funding sources and sustainable funding

levels for the division;

(2) the creation of or increases in license and permit fees for the division, including fees for nonlicense holders who use division services or properties;

(3) private and public lands access; and

(4) investment and management costs;

and submit recommendations regarding the topics set forth in subdivisions (1) through (4) to the general assembly in an electronic format under IC 5-14-6.

(b) The department shall notify the members of the general assembly of a meeting of the division and the representatives set forth in subsection (a) seven (7) days before the meeting.

(c) This section expires July 1, 2023.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 186 as printed February 21, 2022.)

WESCO

Motion prevailed. The bill was ordered engrossed.

Representatives Bartels, Goodrich, Miller, Pack, Pressel. Smaltz and Soliday, who had been excused, are now present.

Representatives Aylesworth and Moseley, who had ben present are now excused.

Engrossed Senate Bill 266

Representative Jeter called down Engrossed Senate Bill 266 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 266–7)

Mr. Speaker: I move that Engrossed Senate Bill 266 be amended to read as follows:

Page 13, between lines 38 and 39, begin a new paragraph and insert:

"(h) The department shall, before September 1, 2022, and on July 1, 2023, submit to the commission on improving the status of children in Indiana, and to the executive director of the legislative services agency for distribution to the general assembly, a report that provides the following information:

(1) The number of child caring institutions, group homes, and secure private facilities that have received a grant under this SECTION.

(2) The number of child caring institutions, group homes, and secure private facilities that have not received a grant under this SECTION.

- (3) The child caring institutions, group homes, and secure private facilities that have received a grant under this SECTION.
- (4) The child caring institutions, group homes,

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and secure private facilities that have not received a grant under this SECTION.

- (5) Of the amount applied for by each child caring institution, group home, and secure private facility that applied for a grant under this SECTION:
- (A) the amount that was provided to the child caring institution, group home, or secure private facility; and
- (B) the amount that was denied to the child caring institution, group home, or secure private
- (6) The criteria considered and standards used by the department in making determinations regarding the provision of grants under this SECTION.

The report submitted under this subsection must be in an electronic format under IC 5-14-6.".

Page 13, line 39, delete "(h)" and insert "(i)". (Reference is to ESB 266 as printed February 21, 2022.) **JETER**

Motion prevailed.

HOUSE MOTION (Amendment 266–1)

Mr. Speaker: I move that Engrossed Senate Bill 266 be amended to read as follows:

Page 2, delete lines 29 through 42.

Page 3, delete lines 1 through 8.

Page 13, delete lines 11 through 15.

Renumber all SECTIONS consecutively.

(Reference is to ESB 266 as printed February 21, 2022.)

DELANEY

Upon request of Representatives Hatfield and Austin, the Speaker ordered the roll of the House to be called. Roll Call 277: yeas 35, nays 57. Motion failed. The bill was ordered engrossed.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed Senate Bill 273

Representative Soliday called down Engrossed Senate Bill 273 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 273–1)

Mr. Speaker: I move that Engrossed Senate Bill 273 be amended to read as follows:

Page 7, between lines 37 and 38, begin a new paragraph and

"SECTION 3. IC 8-1-2-128 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]: Sec. 128. (a) As used in this section, "county health department" means a local health department established under IC 16-20-2, IC 16-20-3, or IC 16-22-8.

- (b) As used in this section, "rental unit community" has the meaning set forth in IC 36-1-20-1.5.
- (c) As used in this section, "utility" means an entity that provides water, gas, or electric service to the owner of a rental unit community.

(d) If:

(1) the amount of utility services provided to the owner of a rental unity community is measured through the use of a master meter; and

(2) the owner of the rental unit community fails to pay the utility providing the utility services to the rental unit community in two (2) consecutive

billing cycles;

the utility shall report the owner's failure to pay for the utility services to the county health department of the county in which therental unit community is located and to the

commission.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 273 as printed February 22, 2022.)

Motion withdrawn. The bill was ordered engrossed.

Engrossed Senate Bill 278

Representative Manning called down Engrossed Senate Bill 278 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

Representative Behning, who had been present, is now excused.

Engrossed Senate Bill 361

Representative T.Brown called down Engrossed Senate Bill 361 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 361–10)

Mr. Speaker: I move that Engrossed Bill 361 be amended to read as follows:

Page 28, line 17, delete "and personal".

Page 28, line 19, delete "and" and insert ", and taxable personal property, that".

Page 31, line 3, delete "under IC 6-1.1-39, IC 8-22-3.5," and insert "under:

(1) IC 5-1-17.5;

(2) IC 6-1.1-39;

(3) IC 8-22-3.5; (4) IC 36-7-13; (5) IC 36-7-14;

(6) IC 36-7-15.1;

(7) IC 36-7-30;

(8) IC 36-7-30.5; (9) IC 36-7-31;

(10) IC 36-7-31.3; (11) IC 36-7-31.5;

(12) IC 36-7-32:

(13) IC 36-7.5-4.5; or

(14) any other provision that authorizes the establishment of an allocation area.".

Page 31, delete lines 4 through 6.

Page 34, line 30, after "real" insert "property improvements".

Page 34, line 30, after "personal property" insert ", or a part of real property improvements or personal property,".

Page 34, line 30, delete "that is:" and insert "that:"

Page 34, line 31, after "(1)" insert "in the case of real property improvements, is".

Page 34, line 32, delete "and".

Page 34, line 33, after "(2)" insert "is".

Page 34, line 33, delete "district." and insert "district; and (3) was:

(A) in the case of real property improvements, constructed; and

(B) in the case of personal property, first entered into service;

after the date that the innovation development district was designated under section 10 of this chapter.".

Page 37, line 8, after "equal to" insert "**not less than**" (Reference is to ESB 361 as printed February 22, 2022.) T. BROWN

Motion prevailed.

HOUSE MOTION (Amendment 361–9)

Mr. Speaker: I move that Engrossed Senate Bill 361 be amended to read as follows:

Page 31, line 25, delete "five (5)" and insert "six (6)".

Page 31, line 28, delete "Two (2)" and insert "Three (3)".

(Reference is to ESB 361 as printed February 22, 2022.)
HEINE

Motion prevailed.

HOUSE MOTION (Amendment 361–6)

Mr. Speaker: I move that Engrossed Senate Bill 361 be amended to read as follows:

Page 4, delete lines 19 through 25, begin a new paragraph and insert:

"(b) Before making a payment to a taxpayer under this section, the taxpayer shall do the following:

(1) Provide to the department:

(Á) a copy of the taxpayer's agreement with the Indiana economic development corporation;

(B) the credit awarded to the taxpayer for that taxable year; and

(C) any other information required by the department.

(2) Agree to provide at least six (6) weeks of paid maternity leave or paternity leave, as applicable, to an employee of the credit recipient who:

(A) gives birth to a child;

(B) is married to a woman who gives birth to a child; or

(C) adopts a child.

(3) Provide any other information required by the department."

(Reference is to ESB 361 as printed February 22, 2022.)

HAMILTON

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that amendment #6 violates House Rule 80. The amendment places a condition upon a corporation opting to receive an EDGE tax credit in the bill for the purpose of improving the standard of living of Indiana employees. The EDGE tax credit's stated purpose is to improve the standard of living for Indiana residents. The amendment resides in the same title, article, chapter and section in which the bill is written, without creating or adding any additional sections in the bill. Further, later in the bill in Section 21 of the bill is a new chapter titled "Workforce Retention and Recruitment. Therefore, the amendment does not add a new subject to the bill, and is assuredly germane to the bill's subject matter of Economic Development.

DVORAK PORTER

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Karickhoff.

The question was, Shall the ruling of the Chair be sustained? Roll Call 278: yeas 64, nays 28. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker

Protest

Mr. Speaker: We protest the ruling of the Chair on February 24, 2022 that House Rule 80 applies to Amendment 6 to Senate Engrossed Bill 361 that the amendment proposes a subject not germane to that under consideration.

House Rule 80 plainly states that "no motion or proposition on a subject not germane to that under consideration shall be admitted under color of an amendment."

Common, accessible and widely accepted definitions of "germane" include:

 "relevant to a subject under consideration" (Oxford);

- "being at once relevant and appropriate" (Merriam-Webster);
- "in close relationship, appropriate, relative or pertinent to" (*Tilson's Parliamentary Law and Procedure*).

The majority contends that Amendment 6 is not germane to the Bill, however Amendment 6 is merely a condition upon which subjects of the Bill may receive a benefit. Specifically, the Amendment places a condition upon a corporation who elects to receive an EDGE tax credit which is already provided for in the Bill. The purpose of the condition is to improve the standard of living for Indiana employees, which has a direct bearing on the state's economic development. The EDGE tax credit's stated purpose is to improve the standard of living for Indiana residents, and the Bill's stated subject matter is economic development. Further, a subsequent section of the Bill carries the title "Workforce Retention and Recruitment."

One need not look far for guidance on what should be regarded as germane. According to *Mason's Manual of Legislative Procedure*:

"to be germane, the amendment is required only to relate to the same subject. It may entirely change the effect of or be in conflict with the spirit of the original motion or measure and still be germane to the subject" (p. 403, paragraph 2. 2000 revised edition).

The Indiana Supreme Court weighed in to declare what is and is not germane to an Act stating "It is difficult to see how anything could be more germane to a legislative purpose than the methods adopted to carry out the purpose." State, P.R.R. Co., et al. v. Iroq. Cons. Dist. Ct. 235 Ind. 353 (Ind. 1956) 133 N.E.2d 848 at 371. The National Conference of State Legislatures created a checklist to aid in decisions regarding germaneness (answers bearing on Amendment 6 in bold).

Sample Checklist to Test Germaneness

- Does the amendment deal with a different topic or subject? No
- Does the amendment unreasonably or unduly expand the subject of the bill? No
- Would the amendment introduce an independent question? No
- Is the amendment relevant, appropriate, and in a natural and logical sequence to the subject matter of the original proposal? Yes
- · Would the amendment change the purpose, scope or object of the original bill? **No**
- Would the amendment change one type of motion into another type? No
- Would the amendment change a private (or local) bill into a general bill? No
- Would the amendment require a change in the bill title? No

See https://www.ncsl.org/research/about-state-legislatures/germaneness-requirements.aspx, last viewed March 1, 2022.

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The Amendment resides within the same Title, Article, Chapter and Section of an existing section of the Bill, is narrowly tailored to the subject and purpose of the Bill, and merely affects the methods to carry out its purpose. This Amendment is as germane to the Bill as any amendment could be. However, this ruling suggests that the only condition the House could place on tax credit language with a second reading amendment would be the offer or acceptance of other tax credits. In reliance upon this ruling, it appears a vast majority of second reading amendments are in violation of Rule 80, and signals that challenges for germaneness should be brought much more regularly. This interpretation is thereby unwieldly, and could become a barrier to efficient legislative function.

Rulings regarding what does and does not constitute a germane amendment are commonplace in the House. However, the reasons upon which germaneness rulings are decided in this chamber can seem inconsistent, despite a dearth of historical evolution for the definition of germaneness. Amendment 6 would have provided six weeks paid maternity and paternity leave for Hoosier workers employed by corporations who received a tax benefit from the state. Both the Bill and Amendment undeniably address the same subject matter. The logical conclusion is that this ruling's function was to prevent a vote on a matter which would significantly improve the lives of Indiana residents.

We request this protest be entered into the Journal of the House pursuant to Article 4, Section 26 of the Indiana Constitution.

> **DVORAK GIAQUINTA HAMILTON**

HOUSE MOTION

(Amendment 361–12)

Mr. Speaker: I move that Engrossed Senate Bill 361 be amended to read as follows:

Page 32, between lines 28 and 29, begin a new paragraph and insert:

'(f) Neither a board nor the corporation may exercise the power of eminent domain within an innovation development district.".

(Reference is to ESB 361 as printed February 22, 2022.)

THOMPSON

Motion prevailed.

HOUSE MOTION (Amendment 361–13)

Mr. Speaker: I move that Engrossed Senate Bill 361 be amended to read as follows:

Page 16, between lines 23 and 24, begin a new line block indented and insert:

"(3) a music production;".

Page 16, line 24, delete "(3)" and insert "(4)". Page 16, line 26, delete "(4)" and insert "(5)".

(Reference is to ESB 361 as printed February 22, 2022.) JUDÝ

Motion prevailed.

HOUSE MOTION (Amendment 361–2)

Mr. Speaker: I move that Engrossed Senate Bill 361 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-3-1-7 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS

[EFFECTIVE DECEMBER 31, 2021 (RETROACTIVE)]: Sec. 7. (a) The next level project realization fund is established to provide grants to incentivize economic development projects.

(b) The fund consists of any transfer to the fund

required under IC 4-10-22-1.5.

(c) The governor shall administer the fund and distribute grants from the fund. However, any grant in an amount that exceeds one million dollars (\$1,000,000) must first be reviewed by the budget committee.

(d) Money in the fund at the end of a state fiscal year

does not revert to the state general fund.

SECTION 2. IC 4-10-22-1.5, AS ADDED BY P.L.165-2021, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE DECEMBER 31, 2021 (RETROACTIVE)]: Sec. 1.5. This section applies only in calendar year 2022. Notwithstanding any other law, if, after the calculation required by section 1(d) of this chapter, the budget agency certifies that the state's combined reserve balance as calculated in section 1(d) of this chapter exceeds two billion five hundred million dollars (\$2,500,000,000), the budget agency, after budget committee review, shall transfer the amount of combined state reserves that exceed two billion five hundred million dollars (\$2,500,000,000), but in an amount that does not exceed two billion dollars (\$2,000,000,000), to the pre-1996 account (as defined in IC 5-10.2-1-5.5) for the purposes of the pre-1996 account. the next level project realization fund established by IC 4-3-1-7."

Renumber all SECTIONS consecutively. (Reference is to ESB 361 as printed February 22, 2022.) **PORTER**

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 46, I request to be excused from voting on the question of Engrossed Senate Bill 361-2. Pursuant to House Rule 168, the reason for the request is the following:

I have a duty to conduct my official duties in a manner that avoids the appearance of impropriety. I own a media production company, and this matter could directly benefit me through tax credits and grants awarded through Indiana Economic Development Corporation.

HARRIS

Motion prevailed.

Upon request of Representatives Porter and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 279: yeas 25, nays 66. Motion failed

Representative Behning, who had been excused, is now present.

HOUSE MOTION (Amendment 361–3)

Mr. Speaker: I move that Engrossed Senate Bill 361 be amended to read as follows:

Page 31, line 25, delete "five (5)".
Page 31, line 26, delete "Three (3) members" and insert "One (1) member"

Page 31, delete lines 28 through 29, begin a new line block indented and insert:

> "(2) One (1) member appointed by the legislative body of each city, town, or county that has territory within the jurisdiction of the innovation development district."

(Reference is to ESB 361 as printed February 22, 2022.) **PORTER**

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 46, I request to be excused from voting on the question of Engrossed Senate Bill

361-3. Pursuant to House Rule 168, the reason for the request is the following:

I have a duty to conduct my official duties in a manner that avoids the appearance of impropriety. I own a media production company, and this matter could directly benefit me through tax credits and grants awarded through Indiana Economic Development Corporation.

HARRIS

Motion prevailed.

Upon request of Representatives Pryor and Porter, the Speaker ordered the roll of the House to be called. Roll Call 280: yeas 27, nays 64. Motion failed.

Representatives Abbott, Judy and Morris, who had been present, are now excused.

HOUSE MOTION

(Amendment 361-5)

Mr. Speaker: I move that Engrossed Senate Bill 361 be amended to read as follows:

Page 40, line 41, delete "three" and insert "seven hundred million dollars (\$700,000,000).".

Page 40, line 42, delete "hundred million dollars (\$300,000,000)."

Page 41, line 2, delete "may" and insert ":

(1) shall transfer four hundred million dollars (\$400,000,000) of the augmentation under this subsection to the governor for the purposes described in subsection (b); and

(2) may, after the transfer in subdivision (1),".

Page 41, between lines 5 and 6, begin a new paragraph and insert:

"(b) The transfer made under subsection (a)(1) must be used by the governor for the purpose of awarding grants for any project deemed to have statewide economic benefit.

Page 41, line 6, delete "(b)" and insert "(c)". Page 41, line 11, delete "(c)" and insert "(d)".

(Reference is to ESB 361 as printed February 22, 2022.)

DELANEY

HOUSE MOTION

Mr. Speaker: Pursuant to House Rule 46, I request to be excused from voting on the question of Engrossed Senate Bill 361-5. Pursuant to House Rule 168, the reason for the request is the following:

I have a duty to conduct my official duties in a manner that avoids the appearance of impropriety. I own a media production company, and this matter could directly benefit me through tax credits and grants awarded through Indiana Economic Development Corporation.

HARRIS

Motion prevailed.

Upon request of Representatives GiaQuinta and Pryor, the Speaker ordered the roll of the House to be called. Roll Call 281: yeas 24, nays 64. Motion failed. The bill was ordered engrossed.

Engrossed Senate Bill 376

Representative Carbaugh called down Engrossed Senate Bill 376 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 376–1)

Mr. Speaker: I move that Engrossed Senate Bill 376 be amended to read as follows:

Replace the effective date in SECTION 1 with "[EFFECTIVE JANUARY 1, 2022 (RETROACTIVE)]:". (Reference is to ESB 376 as printed February 22, 2022.) BARTELS

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 388

Representative Lindauer called down Engrossed Senate Bill 388 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 388–13)

Mr. Speaker: I move that Engrossed Bill 388 be amended to read as follows:

Page 1, line 11, delete "commission, in a manner prescribed by the commission," and insert "Indiana commissioner for higher education,"

Page 1, line 12, after "gift" insert "of at least fifty thousand dollars (\$50,000)"

Page 1, line 13, delete "1011f(b), regardless" and insert "1011f(b).".

Page 1, delete lines 14 through 17.

Page 2, delete lines 1 through 2, begin a new paragraph and

'(b) A postsecondary educational institution subject to the disclosure requirement set forth in this chapter shall enter the information described in 20 U.S.C. 1011f(b) and 20 U.S.C. 1011(c)(2) on the commission's Internet web site. However, nothing in this subsection may be construed to authorize the commission to post information

that is confidential or proprietary.".

Page 2, line 5, after "general." insert "Except for the amount of the gift described in section 1(a) of this chapter, the copies of the reports sent under this subsection shall be consistent with thereporting requirements in 20 U.S.C. 1011f.".

(Reference is to ESB 388 as printed February 21, 2022.) LINDAUER

Motion prevailed.

Representative Abbott and Morris, who had been excused, are now present.

HOUSE MOTION (Amendment 388–14)

Mr. Speaker: I move that Engrossed Senate Bill 388 be amended to read as follows:

Page 3, between lines 5 and 6, begin a new paragraph and insert:

"Sec. 2. (a) As used in this chapter, "farming" means the cultivation of land for the production of agricultural crops, consisting of plants or plant products that can be grown and harvested exclusively for profit or subsistence.

(b) The term does not include the raising of eggs and poultry, including hatcheries and other ancillary activities."

Page 3, line 6, delete "2." and insert "3.".
Page 3, line 15, delete "3." and insert "4.".
Page 3, line 24, delete "4." and insert "5.".

Page 3, line 28, delete "5." and insert "6.".

Page 3, line 36, delete "3" and insert "4".

Page 3, line 38, delete "3" and insert "4". (Reference is to ESB 388 as printed February 21, 2022.)

LINDAUER Upon request of Representatives Dvorak and Moed, the

Speaker ordered the roll of the House to be called. Roll Call 282: yeas 61, nays 28. Motion prevailed.

HOUSE MOTION (Amendment 388–12)

Mr. Speaker: I move that Engrossed Senate Bill 388 be amended to read as follows:

Page 3, delete lines 28 through 36, begin a new paragraph and insert:

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"Sec. 5. (a) A foreign business entity that acquires, sells, or transfers agricultural land located within Indiana for the purposes of farming after June 30, 2022, must report the acquisition, sale, or transfer to:

(1) the secretary of state; and

(2) the attorney general; not later than thirty (30) days after the acquisition, sale, or transfer of the agricultural land is finalized. The report must be made in the form and manner prescribed by the secretary of state. The attorney general shall review the reports that the attorney general receives under this subsection and investigate an acquisition, sale, or transfer of agricultural land if the attorney general believes the acquisition, sale, or transfer of agricultural land violates section 3 of this chapter."

(Reference is to ESB 388 as printed February 21, 2022)
PRESCOTT

Motion prevailed.

Representatives Behning, Gutwein, Lucas, Pressel, V. Smith and Speedy, who had been present, are now excused.

HOUSE MOTION (Amendment 388–11)

Mr. Speaker: I move that Engrossed Senate Bill 388 be amended to read as follows:

Page 2, line 35, delete "Indiana and that is not more than three hundred twenty (320)" and insert "**Indiana**:

(A) that is used for farming and that is not more than three hundred twenty (320) acres; or (B) that is used for timber production and that is not more than ten (10) acres."

Page 2, delete line 36.

Page 3, line 3, delete "farming." and insert "farming or timber production.".

Page 3, line 5, delete "farming." and insert "farming or timber production.".

Page 3, line 18, delete "farming." and insert "farming or timber production.".

Page 3, line 25, after "farming" insert "**or timber production**".

Page 3, line 27, delete "farming." and insert "farming or timber production.".

Page 3, line 30, after "farming" insert "or timber production".

(Reference is to ESB 388 as printed February 21, 2022.)
PRESCOTT

Upon request of Representatives Dvorak and GiaQuinta, the Speaker ordered the roll of the House to be called. Roll Call 283: yeas 59, nays 28. Motion prevailed.

HOUSE MOTION (Amendment 388–3)

Mr. Speaker: I move that Engrossed Senate Bill 388 be amended to read as follows:

Page 2, line 16, delete "chapter." and insert "chapter if the complaint includes a signed affidavit affirming that an institution is not in compliance with the requirements of this chapter."

(Reference is to ESB 388 as printed February 21, 2022.)
DELANEY

Motion prevailed.

Representatives Behning, Gutwein, Lucas, Pressel and Speedy, who had been excused, are now present.

Representative Hatfield, who had been present, is now excused.

HOUSE MOTION (Amendment 388–4)

Mr. Speaker: I move that Engrossed Senate Bill 388 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 5-10.2-13 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 13. Divestment Related to the Russian Federation

Sec. 1. As used in this chapter, "board" refers to the board of trustees of the Indiana public retirement system established by IC 5-10.5-3-1.

- Sec. 2. In order to ensure that taxpayer money does not support any nation that has incorporated, annexed, or occupied territory of another sovereign nation by force alone, the state of Indiana, its political subdivisions, and any retirement system established by the state of Indiana or any political subdivision may not contract with or invest in stocks, bonds, or any direct holdings in companies that have active business operations in strategic industries with the Russian Federation or any territory currently occupied by the Russian Federation, including Crimea, or any other territory of Ukraine recognized as such by the United States of America, which has been forcibly occupied and annexed into the Russian Federation without the authorization of the government of Ukraine.
- Sec. 3. (a) Not later than September 1, 2022, the board, using credible information available to the public, shall develop a list of persons the board determines to be engaged in investment activities with the Russian Federation or any territory currently occupied by the Russian Federation, including Crimea, or any other territory of Ukraine recognized as such by the United States of America.
- (b) The board may enter into contracts for the development of the list described in subsection (a).

(c) The list described in subsection (a) must be updated at least every one hundred eighty (180) days.

(d) The board shall publish the list described in subsection (a) on the Internet web site of the Indiana public retirement system established by IC 5-10.5-2-1.

(e) The board shall make every effort to avoid the erroneous inclusion of a person on the list described in subsection (a).

Sec. 4. The state of Indiana, its political subdivisions, or any retirement system established by the state of Indiana or any political subdivision:

(1) may not renew and shall cancel at the earliest prudent opportunity all existing contracts with persons listed on the board's list prepared under section 3 of this chapter; and

(2) shall divest at the earliest prudent opportunity from all existing investments in persons listed on the board's list prepared under section 3 of this chapter."

Renumber all SECTIONS consecutively. (Reference is to ESB 388 as printed February 21, 2022.) DVORAK

Representative Leonard rose to a point of order, citing Rule 80, stating that the motion was not germane to the bill. The Speaker ruled the point was well taken and the motion was out of order.

APPEAL OF THE RULING OF THE CHAIR

Mr. Speaker: We hereby appeal the ruling of the Chair that amendment Senate Bill 388–4 violates House Rule 80. The amendment addresses Indiana Investments in foreign entities, specifically the Russian Federation, and is assuredly germane

to the bill's subject matter of foreign gifts and property ownership in Indiana.

> DVORAK PIERCE

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Karickhoff.

The question was, Shall the ruling of the Chair be sustained? Roll Call 284: yeas 65, nays 26. The ruling of the Chair was sustained.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION

(Amendment 388–5)

Mr. Speaker: I move that Engrossed Senate Bill 388 be amended to read as follows:

Page 3, after line 40, begin a new paragraph and insert: "SECTION 3. IC 32-22-4 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2022]:

Chapter 4. Rights of a Foreign Business Entity from the Russian Federation to Hold and Convey Real Property

Sec. 1. A corporation, professional corporation, nonprofit corporation, limited liability company, partnership, limited partnership, or other business entity that is:

(1) organized under the laws of the Russian Federation; or(2) wholly controlled by a citizen or citizens of the Russian Federation;

may not acquire by grant, purchase, devise, descent, or otherwise any real property located within Indiana.

Sec. 2. This chapter expires June 30, 2023.".

Renumber all SECTIONS consecutively.

(Reference is to ESB 388 as printed February 21, 2022.)
DVORAK

Motion prevailed. The bill was ordered engrossed.

Engrossed Senate Bill 411

Representative Soliday called down Engrossed Senate Bill 411 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 411–2)

Mr. Speaker: I move that Engrossed Senate Bill 411 be amended to read as follows:

Page 1, line 6, delete "9(b) of this chapter, one (1)" and insert "9 of this chapter, the".

Page 1, line 7, delete "or more particular".

Page 1, line 8, delete "chapter" and insert "chapter, or standards less restrictive than the standards set forth in sections 10 through 16 of this chapter,".

Page 1, line 10, delete "has in effect a wind power" and insert "qualifies as a wind energy ready community under subsection (d)."

Page 1, delete lines 11 through 12.

Page 2, between lines 36 and 37, begin a new paragraph and insert:

"(d) As used in this section, "wind energy ready community" means a unit that has voluntarily adopted:

(1) the standards set forth in sections 10 through 16 of this chapter; or (2) standards less restrictive than the standards set forth in sections 10 through 16 of this chapter."

Page 10, line 32, delete "9(b) of this chapter, one (1)" and insert "9 of this chapter, the".

Page 10, line 33, delete "or more particular".

Page 10, line 34, delete "chapter" and insert "chapter, or standards less restrictive than the standards set forth in sections 10 through 20 of this chapter,".

Page 10, line 36, delete "has in effect a commercial solar" and insert "qualifies as a solar energy ready community under subsection (d)."

Page 10, delete lines 37 through 38.

Page 11, between lines 35 and 36, begin a new paragraph and insert:

"(d) As used in this section, "solar energy ready community" means a unit that has voluntarily adopted:

(1) the standards set forth in sections 10 through 20 of this chapter; or

(2) standards less restrictive than the standards set forth in sections 10 through 20 of this chapter."

(Reference is to ESB 411 as printed February 22, 2022.)
NEGELE

Motion prevailed. The bill was ordered engrossed.

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 38

The Speaker handed down Senate Concurrent Resolution 38, sponsored by Representative Pfaff:

A CONCURRENT RESOLUTION recognizing Teresa Exline for her 34 years of service to Indiana State University and congratulating her upon her retirement.

Whereas, After earning a bachelor of arts degree in journalism from Indiana University and working for several years in journalism for Shepard Poorman Communications and the Sullivan Daily Times, Teresa Exline found her home at Indiana State University (ISU) when she began as the Coordinator of Public Affairs in 1987;

Whereas, Over her 34-year career, Teresa ably served the University through a variety of positions, including Director of Promotion and Special Events, Executive Director of Public Affairs, Assistant Vice President of Communications and Marketing, Special Assistant to the President for Strategic Communication, and Chief of Staff;

Whereas, During her tenure at ISU, Teresa worked with five of ISU's twelve presidents, including directly and ably serving two presidents as Chief of Staff;

Whereas, Teresa left her mark on many great milestones at ISU over the past several decades, including managing the University's 125th and 150th anniversary celebrations, the Larry Bird Statue dedication and fundraising dinner, and the unveiling of the Normal Hall dome as the kickoff to the Sesquicentennial;

Whereas, Teresa has held national leadership positions with both the Council for Advancement and Support of Education (CASE) and the American Association of State Colleges and Universities;

Whereas, Recognized as a consummate professional, CASE District V honored Teresa with the Distinguished Service Award and named its Best Practices in Communications and Marketing Award in Teresa's honor;

Whereas, In keeping with ISU's emphasis on community service, Teresa was engaged in many local charitable and philanthropic efforts, including co-founding 100+ Women Who Care Vigo County, working with the Vigo County Historical Society, and contributing to the Birthplace of the Coca-Cola Bottle Project; and

Whereas, Teresa will be greatly missed by the faculty, students, and alumni, but her tireless devotion to ISU and the greater Terre Haute community will not soon be forgotten: Therefore,

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Be it resolved by the Senate of the General Assembly of the State of Indiana, the House of Representatives concurring:

SECTION 1. That the Indiana General Assembly recognizes Teresa Exline for her 34 years of service to Indiana State University and congratulates her upon her retirement.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Teresa Exline.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

Representative Hatfield, who had been excused, is now present.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 2

Representative Behning called down Engrossed Senate Bill 2 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 285: yeas 93, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill.

MOTIONS TO DISSENT FROM SENATE AMENDMENTS

HOUSE MOTION

Mr. Speaker: I move that the House dissent from Senate amendments to Engrossed House Bill 1238 and that the Speaker appoint a committee to confer with a like committee from the Senate and report back to the House.

LEHMAN

Motion prevailed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

HOUSE MOTION

Mr. Speaker: I move that Representative Fleming be added as cosponsor of Engrossed Senate Bill 239.

ZENT

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that House Rule 105.2 be suspended for the purpose of adding more than three cosponsors and that Representative Goodrich be added as cosponsor of Engrossed Senate Bill 246.

LEHMAN

The motion, having been seconded by a constitutional majority and carried by a two-thirds vote of the members, prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Pierce be added as cosponsor of Engrossed Senate Bill 278.

MANNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Goodrich and Teshka be added as cosponsors of Engrossed Senate Bill 331.

BEHNING

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Moed be removed as cosponsor of Engrossed Senate Bill 388.

LINDAUER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Prescott, Hostettler and Moed be added as cosponsors of Engrossed Senate Bill 388.

LINDAUER

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has concurred in the House amendments to Engrossed Senate Bills 70, 76, 91, 136, 155, 166, 245, 247, 263, 272, 301 and 343.

JENNIFER L. MERTZ Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has made the following change in conferees appointments to Engrossed House Bill 1094:

Conferees: Rogers and Qaddoura Advisors: Raatz and Melton

> JENNIFER L. MERTZ Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has made the following change in conferees appointments to Engrossed House Bill 1238:

Conferees: Zay and Randolph Advisors: Bassler and Griffin

JENNIFER L. MERTZ Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that pursuant to Rule 84 of the Standing Rules and Orders of the Senate, President Pro Tempore Rodric D. Bray has made the following change in conferees appointments to Engrossed Senate Bill 80:

Conferees: M. Young and Randolph

Advisors: L. Brown and Taylor

JENNIFER L. MERTZ Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed House Bills

1004, 1034, 1045, 1092, 1094, 1140, 1214, 1217, 1238, 1285, 1314, 1318 and 1369 with amendments and the same are herewith returned to the House for concurrence.

JENNIFER L. MERTZ Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed, without amendments, Engrossed House Bills 1223, 1254, 1286, 1313 and 1320 and the same are herewith returned to the House.

JENNIFER L. MERTZ Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolutions 4, 36 and 38 and the same are herewith transmitted to the House for further action.

JENNIFER L. MERTZ Principal Secretary of the Senate

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed House Concurrent Resolution 25 and the same is herewith returned to the House.

JENNIFER L. MERTZ Principal Secretary of the Senate

ENROLLED ACTS SIGNED

The Speaker announced that he had signed Senate Enrolled Acts 1, 66, 85, 119, 125, 129, 131, 157, 158, 182, 193, 277 and 371 on February 24.

ENROLLED ACTS SIGNED

The Speaker announced that he had signed House Enrolled Acts 1011, 1013, 1021, 1111, 1147, 1181, 1192, 1205, 1208, 1222, 1255, 1291 and HJR 3 on February 24.

On the motion of Representative M. Bauer, the House adjourned at 1:29 p.m., this twenty-fourth day of February, 2022, until Monday, February 28, 2022, at 10:30 a.m.

TODD M. HUSTON Speaker of the House of Representatives

M. CAROLINE SPOTTS
Principal Clerk of the House of Representatives